

**CASCADE COUNTY  
ZONING BOARD OF ADJUSTMENT**

Meeting Minutes  
Thursday, March 22, 2018  
9:00 AM

Room #105, Courthouse Annex  
Cascade County Commissioners Chambers

Board Members: Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski

Notice: These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment. These minutes are considered a draft until the Zoning Board of Adjustment approves them.

**STAFF ATTENDEES:** Alex Dachs, Sandor Hopkins, Anna Weber, Fernando Terrones, and Nadine Thares

**PUBLIC ATTENDEES:** Jana Parsons, Jonathan Schmitt

**1. CALL TO ORDER:** Chairman Bill Austin called the meeting to order at 9:00am.

**2. ROLL CALL**

**BOARD MEMBERS PRESENT:** Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski

**BOARD MEMBERS ABSENT:** none

**3. APPROVAL OF MINUTES:** January 25, 2018 minutes

Len Reed motioned to approve the minutes.

Charles Kuether seconded the motion.

All in Favor, Motion passes

**4. NEW BUSINESS:**

**A. Public Hearing: Steven & Lanell Bailey- SUP**

Anna Weber presented the Staff Report. Summation is as follows: Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of a Special Use Permit (SUP) application from applicant and owner, Steven and Lanell Bailey to allow a 2<sup>nd</sup> dwelling on their land at 391 Flood Rd., Great Falls, MT. The applicant is requesting that a Special Use Permit be granted as required by Section 17.3, 7.1.2.3(1), and 7.1.1.3(1) of the Cascade County Zoning Regulations.

A Special Use Permit is defined in Section 10 of the Cascade County Zoning Regulations. An SUP is required for conformance to additional standards and shall be deemed necessary in its respective zoning districts, in addition to other applicable requirements, which are said to possess characteristics of such unique to each case. An SUP may be issued only upon



meeting all requirements in these regulations for a specific use per Section 10, and within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof.

The Zoning Board of Adjustment (ZBOA) approval of the Special Use Permit (SUP) shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval. The SUP shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

The property is in a Flood Road Overlay (FOD) Zoning District, and the proposed 2<sup>nd</sup> dwelling is allowed in the Flood Road Overlay District pursuant to Section 17.3 of the Cascade County Zoning Regulations (CCZR). The section reads, "[See Suburban Residential 2 (SR-2)]. Section 7.1.2.3 of the Cascade County Zoning Regulations. The section reads, "[Uses Permitted Upon Issuance of a Special Use Permit] (1): ...as set forth under RR-5 District regulations may be used in SR-1 and SR-2 Districts.] Therefore 7.1.1.3(1) reads "A second dwelling, including ... 2 single family homes"

Steven and Lanell Bailey are the legal owners of the property. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.

Legal Notice of the application and the public hearing was published in the Great Falls Tribune on March 11 & 18, 2018. As of writing this staff report, planning staff have received zero phone calls or written comments/concerns.

An SUP may be revoked by the Cascade County ZBOA at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations. Appeals of the ZBOA decision shall follow the process outlined in Cascade County Zoning Regulations, Section 12.

Applicant has utilities servicing the current residence on the property. Access to new dwelling unit will be through applicant's current driveway on the parcel.

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the CCZR. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts in order to reach these conclusions. The proposed development will not materially endanger the public health or safety.

Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb approaches. Provision of

services and utilities including sewer, water, electrical, garbage collections, and fire protection. Soil erosion and sedimentation, as well as the protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

***Applicant states there would be a minimal change to the current traffic conditions. With the existing home in place utilities are already available. We have a few cows on the adjacent parcel so we started garbage collection last year. The majority of the 12-acres will remain undisturbed so soil erosion, sedimentation and stormwater run-off shouldn't change. We will go through the Cascade Health Department to verify sewer is away from the water source and that use comply with all policies and procedures.***

**Staff:** The applicant's two son's live in the existing home on the property and the family has a small number of cattle that they go and tend to on a regular basis. Staff feels that there will be minimal to no changes to the traffic conditions. Staff feels that there will be no effect on the utilities at, or around the proposed parcel. Staff feels that this use will have minimal to non-existent effects on soil erosion and sedimentation. No surrounding water supplies will be affected. Staff feels that this use will have a minimal disturbance to the surrounding neighbors in relationship to traffic count.

The proposed development is a public necessity, or will not substantially impact the value of adjoining property. The relationship of the proposed use and the character of the development to surrounding uses and development. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property.

***Applicant states that all surrounding properties are residential in nature, the addition of another home will have little or no impact to any adjoining properties. Applicant states that an addition of a home to this parcel will not have any impact on the adjoining properties.***

Staff feels that a second dwelling will not negatively impact the surrounding properties due to those being mostly residential and agricultural uses. Staff feels the proposed SUP will have no affect with the surrounding uses considering the surrounding uses (Residential/Ag) are the same as the proposed SUP use.

The proposed development will be in harmony with the area in which it is located. The relationship of the proposed use and the character of development to surrounding uses and development.

***Applicant states the addition of our home will improve the character of our parcel and improve the value of the surrounding development.***

Staff feels the residence will be in harmony with existing residences considering there are other homes in the area of the proposed site.

The proposed development will be consistent with the Cascade County Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

**Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.**

- A. Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.
- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.
- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.
- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.
- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.
- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.
- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.
- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.
- I. Encourage the growth of the agricultural economy.
- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.

**Applicant states that the addition of our home may not directly affect or stimulate the retention of business but the addition of our family does add value to the county. Steve is a doctor employed at Benefis and Lanell enjoys shopping and dining within Great Falls. By allowing us to build our beautiful home on the property we will be adding additional taxable growth and improve the value of this subdivision.**

**Staff feels the placement of a second home will not negatively impact business, tourism, agriculture, and neighboring economic development.**

**Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.**

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.

- C. Preserve Cascade County's open-space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.
- D. Assure clean air, clean water, a healthful environment and good community appearance.
- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.
- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.

***Applicant states that the addition of our home would meet these objectives because we are wanting to build on a parcel that currently has an existing home (built in 1940). Our home will be beautiful and rustic so it will foster the beauty and not be "out of place" when compared to the other homes nearby.***

**Staff feels that this SUP will not negatively impact the historic relationship with the natural resources. The placement of the home on this land will be a minimal alteration to the existing use.**

***Goal 3: Maintain Agricultural economy***

- A. Protect the most productive soil types.
- B. Continue to protect soils against erosion.
- C. Protect the floodplain from non-agricultural development.
- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

***Applicant states that the location of our home will not directly affect the agriculture but we own an adjacent property that is in the floodplain which has a hayfield that has gone dormant. We will actively work to bring it back to full production and maintain the weed control that has not been managed well in years.***

**Staff feels that the home should not have any impact on the existing soils. The applicants plan to use their land south of the proposed parcel as a hayfield. According to the National Cooperative Soil Survey, ninety percent of the parcel has soil that is classified as "Farmland of Statewide Importance." However, the parcel has never been used as farm land before. With this in mind, Staff agrees that it would meet this goal of protecting productive soil, erosion, the floodplain from non-agricultural uses, and value-added agricultural industry in Cascade County.**

***Goal 4: Retain the presence of the US Military in Cascade County.***

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.
- B. Promote the location of additional military missions in Cascade County.
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

*D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.*

***Applicant states that our parcel is about 15 miles from Malmstrom Air Force Base so this addition would not affect their runway.***

**Staff states that the placement of the home will be out of the Height Military Overlay District and at least ten miles away from the nearest launch facility.**

***Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.***

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.*
- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.*
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.*
- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.*

***Applicant states that an addition of our house would help the prevention of fire because I would be able to clean the property of dead bush and trees. This addition would also improve development in the area as our home would be an improvement to the parcel.***

**Staff believes that the proposed structure will likely not positively or negatively affect the Cascade County's citizens' rural lifestyle. The proposed parcel of land is serviced by the Gore Hill Fire Department.**

**This application is consistent with the municipal and joint land use plans incorporated by the Growth Policy and with Operations in connection with the SUP shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.**

***Applicant states that the addition of our home would help as it is adding a home to the 12-acre parcel already designated as residential.***

**Staff states that the application will likely not have a negative impact on the municipal or joint land use plans.**

**Motions:**

**The following motions are provided for the board's consideration:**

**A.** Alternative 1: Move the Special Use Permit to allow the placement of a 2<sup>nd</sup> dwelling at 391 Flood Rd, Great Falls, MT parcel # 0002373820, be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied);

Or

**B.** Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the placement of a 2<sup>nd</sup> dwelling at 391 Flood Rd, Great Falls, MT, parcel # 0002373820 subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. Applicant obtains address from Cascade County Public Works / GIS / Mapping Addressing for E911 purposes
3. Applicant obtains approval for septic permit from City-County Health Department to install septic system

**Board Questions:**

**Bill Austin** asked when the current home was built.

**Anna Weber** replied the 1940's

**Rob Skawinski** asked where the second home would be located. Rob stated that he drives pass this property daily and the Baileys have done a great job clearing debris and general cleanup.

**Anna Weber** pointed to the location on the map.

**Applicant was unavailable for questions due to a family emergency.**

**Public Hearing opened at 9:18 am**

**Proponents: none**

**Opponents: none**

**Public Hearing closed at 9:19 am**

**Discussion and Decision**

**Len Reed** motioned to adopt the staff report and **approve** the Special Use Permit to allow the placement of a 2<sup>nd</sup> dwelling at 391 Flood Rd, Great Falls, MT, parcel # 0002373820 subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. Applicant obtains address from Cascade County Public Works / GIS / Mapping Addressing for E911 purposes
3. Applicant obtains approval for septic permit from City-County Health Department to install septic system.

**Rob Skawinski** seconded the motion.

**All in Favor, Motion passes 4-0**

## **B. Public Hearing: –Parsons - Variance**

Sandor Hopkins presented the Staff Report. Summation is as follows: Cascade County Zoning Board of Adjustments is in receipt of a variance from Clayton and Jana Parsons, 300 24<sup>th</sup> St NW, Great Falls, MT. The Parsons are requesting a variance to reduce the side yard setback per the CCZ Regulations, Sections 7.1.0.3 and 9.5.4.

The reduced 3-foot setback would allow for a garage and carport slab to be placed at this address which is owned by Amy Parsons. The Parcel Number is 0002112600 and the Geo-Code is 02-3015-04-4-06-08-0000, Legal Description is S4, T20N, R3E. The residential land is zoned Urban Residential (UR) District, and the adjacent land is zoned the same and is 0.344-acres.

### **Special Information**

1. Section 7.1.0.3 (1) of the Cascade County Zoning Regulations provides the following required setbacks for side yards in Residential Districts:

*(1) Side Yard; The side yard width shall not be less than six (6) feet.*

2. The following definition is taken from the Cascade County Zoning Regulations:

#### **VARIANCE**

*A variance is a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in these regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.*

3. Section 9.5.4 of the Cascade County Zoning Regulations requires the concurring vote of three members of the Zoning Board of Adjustment in order to approve a variance request.

### **Analysis**

The applicant is requesting a variance to allow a side yard setback of 3 feet.

- (1) The variance is not contrary to the public interest.**

***The Applicant responded:*** *Garage slab and carport slab have deteriorated to the point that they've compromised the structure and rendered it hazardous and unusable. Replacing the structure will not negatively affect neighbor's structures which do conform to zoning setback requirements.*

After visiting the site, Staff agrees that the current condition of the structure is both hazardous and unusable and warrants replacement. In its current condition, the structure poses a greater hazard to the neighboring properties than if it were to be replaced, and therefore is not contrary to public interest.



(2) A literal enforcement would result in an unnecessary hardship, owing to conditions unique to the property.

*The Applicant Responded: Setback cannot conform to current zoning regulations because 6' setback from property line is not available. Relocating garage in back yard is not possible because of location of septic tank and drainfield, cistern, and well pumphouse.*

The current garage, carport, and back yard access door fit squarely between the fence line and the house. Staff feels that in order to retain the existing square footage of the structure for a two-car garage, in line with other residences in the neighborhood, a variance is required to maintain the integrity of the property.

(3) The spirit of this Section would be observed and substantial justice done by granting the variance.

*The Applicant Responded: We'd like to rebuild the garage not only so that it's usable but so that it's in line with neighboring properties 2-car garages and maintains current property improvements. Strictly adhering to current regulations would not allow us to do those things.*

Staff feels that the replacement of an existing non-conforming use is a merited use of the variance process. A hazardous structure will be replaced by a new structure and the property's structures and uses will effectively remain unchanged

#### **Motions:**

The following motions are provided for the Board's consideration:

1. the variance to allow for a side yard setback of three (3) feet for a replacement garage be **denied**,
- or
2. the variance to allow for a side yard setback of three (3) feet for a replacement garage be **approved** subject to the following condition:
  - a. The applicant will ensure compliance with all County, State or Federal permits prior to commencing with construction on the subject property.

#### **Board Questions/Comments**

None

**Applicant:** Jana Parsons, 300 24<sup>th</sup> Street NW was available for questions.

**Rob Skawinski** asked if the attached letter was from the next-door neighbor.

**Jana Parsons** replied yes.

**Bill Austin** asked if they intended to replace the existing structure.

**Jana Parsons** replied yes demo the existing structure and replace it.

**Public Hearing opened at 9:26 am**

**Proponents:** none

**Opponents:** none

**Public Hearing closed at 9:27 am**

### **Discussion and Decision**

**Charles Kuether** motioned to approve the variance to allow for a side yard setback of three (3) feet for a replacement garage subject to the following condition:

- a. The applicant will ensure compliance with all County, State or Federal permits prior to commencing with construction on the subject property.

**Rob Skawinski** seconded the motion.

**All in Favor, Motion passes 4-0**

### **C. Public Hearing: Powder River Development – Height Variance**

Sandor Hopkins presented the Staff Report. Summation is as follows: Cascade County Zoning Board of Adjustments is in receipt of a variance from Powder River Development Services, 219 S Wooddale Ave., Eagle, ID. Powder River Development Services is requesting a variance to allow an additional height extension on an existing non-conforming cell-tower per the CCZ Regulations, Sections 8.8, 9.5, and 16.1.

To allow the cell tower to be extended at 4300 2<sup>nd</sup> Avenue North, S9, T20N, R4E, owned by GTP Acquisition Partners II LLC, PO Box 723597, Atlanta, GA. The Parcel Number is 0002622350, and the Geo-Code is 02-3016-09-2-05-13-0000, Legal Description S9, T20N, R4E. The existing zoning is Commercial (C) District with the surrounding zoning being Multi-Family (Great Falls R-6), and Commercial on three sides. Currently the 0.057-acres of land is being used for a cell tower.

### **Special Information**

Section 8.8 (1) of the Cascade County Zoning Regulations provides the following required setbacks for tower and studio facilities:

- (2)...; the setback to property boundaries for all other tower/antenna structures must be the height of the tower plus twenty (20) feet (example: a 100-foot tall tower must be 120 feet from all property boundaries).

Section 16.1 of the Cascade County Zoning Regulations provides the following height restrictions:

**16.1 MAFB RUNWAY AREA;** *The following height limits are based on the elevation of the helicopter runway at Malmstrom (3,526 ft.) which is based on the North American Vertical Datum of 1988 (NAVD 88).*

**MOD-C (Inner Horizontal Surface);** *No structures greater than 150 feet in height. Any proposed structures exceeding the above heights will require the approval of a variance by the Zoning Board of Adjustment. A copy of the application will be sent to Malmstrom for review and comments. Any comments or recommended mitigations will be forwarded to the Zoning Board of Adjustment to consider with their decision. If no comments are received within 15 working days, it will be determined Malmstrom's reviewing staff had no objections. A height variance may only be denied due to a concern expressed by the US Military that cannot be mitigated to the Military's satisfaction.*

The following definition for a Variance is taken from the Cascade County Zoning Regulations:

*A variance is a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in these regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.*

Section 9.5.4 of the Cascade County Zoning Regulations requires the concurring vote of three members of the Zoning Board of Adjustment in order to approve a variance request.

#### **Analysis**

The applicant is requesting a variance to allow a fifteen (15) foot extension to be added to an existing telecommunications tower, from 110 feet to 125 feet.

#### **(1) The variance is not contrary to the public interest.**

***The Applicant responded:*** *This variance request would not be contrary to the general public because we are asking to extend the height of an existing cellular communications facility in order for this existing tower to feasibly hold the addition of a cell carrier, which in return will help the public and expand their network capability.*

Staff believes the variance will not be contrary to the public interest. The tower is already in place, and provides a valuable resource to the general public. The extension will create more competition in the telecommunications industry and will only be an extension comparable to 13.6% of the existing structure.

#### **(2) A literal enforcement would result in an unnecessary hardship, owing to conditions unique to the property.**

***The Applicant Responded:*** *A literal enforcement of regulations would result in an unnecessary hardship because the location of this property is already not meeting the setback requirements for a telecommunication facility. Extending the height of this tower to allow room for an additional cell carrier would avoid the need for a completely new tower to be built, saving time, money and the land. The addition of a carrier onto an existing tower would help the general public in relation to the cell coverage in the area while avoiding the eye sore of a new tower going up.*

Staff acknowledges that the existing non-conforming use of this tower does not meet the required setbacks under the current version of the County's zoning regulations. However, removing or relocating this structure would be impractical and detrimental to existing telecommunications services. Allowing this structure to be extended as the applicant proposes would eliminate the need for an additional tower to be constructed in the area and would provide a more immediate improvement to services.

(3) The spirit of this Section would be observed and substantial justice done by granting the variance.

**The Applicant Responded:** *There would be multiple positive aspects created from granting this variance request. As stated before, extending the height of this already existing cellular communication facility would allow an additional cell carrier to locate on the tower. The addition of a new cell carrier onto this existing tower would help the community by expanding their cell coverage, while avoiding a completely new tower to be built.*

Staff believes that substantial justice would be done by granting the variance as the existing non-conforming use would be expanded, however would do so in a way that will create minimal visual disturbance and preserve other areas of land from further development. Additionally, topographic maps indicate the base of the structure sits at an elevation of 3466 feet, and sits in the MOD-C (Inner Horizontal Surface) area for the Malmstrom Air Force Base Runway. County Regulations in Section 16.1 state that no structure in this zone may extend above 150 feet from the height of the runway, declared at 3,526 feet.  $3466 + 125 = 3591$ , less than the restricted height of  $3526 + 150 = 3676$  feet. Given the proximity to the base and the overall proposed height of the structure, Malmstrom Air Force Base was notified, and did not express any concerns.

#### **Motions:**

The following motions are provided for the Board's consideration:

1. the variance to allow for a height extension (15 feet) of an existing telecommunications tower be **denied**,
- or
2. the variance to allow for a height extension (15 feet) operation of an existing telecommunications tower be **approved** subject to the following condition:
  - a. the applicant will ensure compliance with all County, State or Federal permits prior to commencing with construction on the subject property.

#### **Board Questions/Comments**

Bill Austin asked how long had the tower been there.

Sandor Hopkins replied since 2001.

**Applicant Representative: Jonathan Schmitt, 441 Tammany Ln, Hamilton, MT** was available for questions.

**Bill Austin** asked about the additional height and ----

**Jon Schmitt** replied yes, adding a RAD center with a collar adding for the height, which would allow for additional carriers to be added, including a fourth carrier.

**Bill Austin** asked if the wind affects the current tower

**Jon Schmitt** replied yes, it has to be within certain (RevG) standards, about 115 mph.

**Rob Skawinski** asked how many carriers are there currently.

**Jon Schmitt** replied two main with a third smaller for emergency services?.

**Public Hearing opened at 9:37 am**

**Proponents:** none

**Opponents:** none

**Public Hearing closed at 9:38 am**

**Discussion and Decision**

**Rob Skawinski** motioned to approve the variance to allow for a height extension (15 feet) operation of an existing telecommunications tower subject to the following condition:

- a. the applicant will ensure compliance with all County, State or Federal permits prior to commencing with construction on the subject property.

**Charles Kuether** seconded the motion.

**All in Favor, Motion passes 4-0**

**5. OLD BUSINESS:**

None

**6. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE ZONING BOARD OF ADJUSTMENTS JURISDICTION:**

None

**7. BOARD MATTERS:**

Alex Dachs asked if the members would be available April 12, 2018 for a meeting. All members agreed.

Charles Kuether wanted to know if the Board members could do their own fact findings (or executive sessions). His reason being some of the more controversial applications that come in front of this Board. In addition, he wanted to know if the Board, in making some of these tougher decisions, could take a brief recess and go into another room to review an item on the agenda.

Bill Austin said he believes that it is not in the Board's scope of duties, that is what the staff is for. Bill stated that if the Board were to take the discussion into another room, it would defeat the public meeting.

Len Reed said that he believes that if the Board is having trouble deciding, it needs to be tabled for a variety of reasons.

Rob Skawinski added that he understands both Charles and Bill's views on this matter.

Alex Dachs added that the Bylaws would need to be checked and amended if need be.

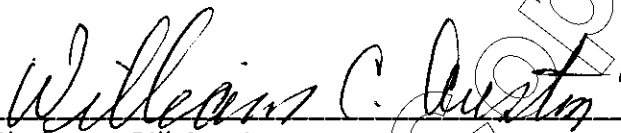
It was decided that Fernando Terrones would research this and advise the Board.

**8. ADJOURNMENT:**

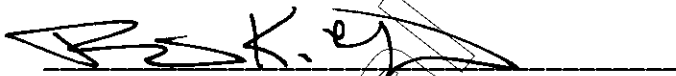
**Len Reed** motioned to adjourn.

**Rob Skawinski** seconded motion.

**All in Favor, Motion passed. Meeting adjourned at 10:00 am**

  
Chairman Bill Austin

4-12-2018  
Date

  
Brian Clifton

4/13/18  
Date